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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                                   |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, | ) | Criminal No. No. 3-06-70269 EDL   |
|                           | ) |                                   |
| Plaintiff,                | ) |                                   |
|                           | ) |                                   |
|                           | ) | <b>STIPULATION AND [PROPOSED]</b> |
|                           | ) | <b>ORDER EXCLUDING TIME</b>       |
| v.                        | ) |                                   |
|                           | ) |                                   |
|                           | ) |                                   |
| YING HER,                 | ) |                                   |
|                           | ) |                                   |
| Defendant.                | ) |                                   |

The parties stipulate and agree, and the Court finds and holds, as follows:

- The above-captioned matter came before the Court on May 5, 2006 for a detention hearing. The defendant was represented by Assistant Public Defender David W. Fermino and the government was represented by William C. Martin, Assistant United States Attorney. The case was set for status on May 19, 2006 for status on posting of bond and presentation of surety.
  - The government requested an exclusion of time from May 5, 2006 to May 19, 2006 based on effective preparation and continuity of counsel. The defendant agreed to an extension of time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an
- STIPULATION AND [PROPOSED]**  
**ORDER EXCLUDING TIME**  
No. 3-06-70269 EDL

1 exclusion of time under the Speedy Trial Act. The reason for this request is that counsel for the  
 2 government requires additional time to investigate and provide discovery to the defendant. The  
 3 failure to grant the requested exclusion would unreasonably deny counsel for the defense the  
 4 reasonable time necessary for effective preparation, taking into account the exercise of due  
 5 diligence. See id. The ends of justice would be served by the Court excluding the proposed time  
 6 period. These ends outweigh the best interest of the public and the defendant in a speedy trial.  
 7 See id. § 3161(h)(8)(A). Therefore, the parties are requesting an extension of time under Rule  
 8 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree that the time from  
 9 May 5, 2006 to May 19, 2006 should be extended under Rule 5.1(d) and excluded in computing  
 10 the time within which an information or indictment must be filed. See 18 U.S.C. §  
 11 3161(h)(8)(A) and (B)(iv).

12 5. For the reasons stated, the time period from May 5, 2006 to May 19, 2006 is extended  
 13 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18  
 14 U.S.C. § 3161(h)(8)(A).

15 SO STIPULATED

16  
 17 DATED: May 19, 2006

\_\_\_\_\_  
 /s/  
 DAVID W. FERMINO  
 Attorney for the Defendant

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 19  
 20 DATED: May 19, 2006

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 /s/  
 WILLIAM C. MARTIN  
 Assistant United States Attorney

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 22  
 23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
 25 DATED: May 23, 2006

